

CRM-M-8016-2017

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-8016-2017

Date of Decision: 05.04.2017

Dilbag Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vipul Jindal, Advocate,
for the petitioner.

Mr. V.P.Sidhu, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Dilbag Singh has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.8 dated 21.01.2016, registered at Police Station Makhu, District Ferozepur, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'NDPS Act').

Notice of motion was issued. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and gone through the record.

From the record, I find that the present petitioner was apprehended alongwith co-accused and heroin admittedly falling in commercial quantity, has been recovered from their vehicle.

CRM-M-8016-2017

Learned counsel for the petitioner argued that there is a defect in the search and provisions of Section 42 of NDPS Act, 1985 have not been complied with.

However, learned State counsel argued that provisions of the NDPS Act have been complied with and the same will be duly proved before the trial Court by leading evidence by the prosecution.

At this stage, this Court is dealing with the bail petition of the petitioner and evidence is yet to be produced before the trial Court. The recovery effected from the present petitioner, admittedly, falls in commercial quantity and Section 37 of the NDPS Act bars the benefit of bail to the accused in case of commercial quantity.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I do not find it a fit case where the petitioner is entitled to the benefit of regular bail.

Dismissed.

05.04.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No